रजिस्ट्री सं० डी० 221 REGISTERED No. D. 221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 67] नई दिल्ली, सोमवार, दिसम्बर 4, 1972/ अग्रहायण 13, 1894
No. 67] NEW DELHI, MONDAY, DECEMBER 4, 1972/AGRAHAYANA 13, 1894

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 4th December, 1972:—

BILL No. XLI OF 1972

A Bill further to amend the Seaward Artillery Practice Act, 1949.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Seaward Artillery Practice (Amendment) Act, 1972.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

8 of 1949.

Substitution of new sections for section 3.

2. For section 3 of the Seaward Artillery Practice Act, 1949 (hereinafter referred to as the principal Act), the following sections shall be substituted, namely:—

Power of Central Government to authorise seaward artillery practice.

"3. (*1*) The Central Government may, by notification in the Official Gazette, authorise the carrying out of seaward artillery practice over such area and during such period or periods as may be specified in the notification:

Provided that there shall be an interval of at least fourteen days between the date of publication of such notification in the Official Gazette and the date of carrying out of seaward artillery practice.

(2) The Central Government shall, as soon as may be, after the publication of a notification under sub-section (1), cause the substance thereof to be published—

(a) in some newspaper circulating in, and in the language commonly understood in, the area specified in the notification; and

(b) in such other manner as may be prescribed.

(3) If any question arises whether the substance of a notification under sub-section (1) was published as required by sub-section (2), a certificate by the Collector of the district in which the notified area is situate that the substance of the notification was so published, shall be conclusive.

Power to delegate.

3A. The Central Government may, by notification in the Official Gazette, direct that the power to issue notifications under section 3 shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by such State Government as may be specified therein.".

Substitution of new section for section 9.

3. For section 9 of the principal Act, the following section shall be substituted, namely:—

Power to make rules.

"9. (1) The Central Government may, by notification in the Official Gazette, make rules for giving effect to the provisions of this Act and different rules may be made for different States or for different areas thereof.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which the substance of a notification under section 3 may be published;

(b) regulating the use under this Act of the notified area for seaward artillery practice in such manner as to secure the public against danger, and to enable the practice to be carried out with the minimum inconvenience to the inhabitants of the area affected;

(c) the minimum rates at which compensation shall be payable under sub-section (3) of section 6, and generally regrading the making of claims for compensation, the procedure to be followed by the authorities granting the compensation, the expeditious settlement of claims and the filing of appeals from original awards of compensation;

(d) the principles to be followed in assessing the amount of compensation to be awarded under this Act;

(e) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

STATEMENT OF OBJECTS AND REASONS

Under the Seaward Artillery Practice Act, 1949, seaward artillery practice can be carried out over any area in a State if a notification authorising the same is issued by the State Government. No such notification can be issued by a State Government until the expiry of two months from the date of first publication of a notice of its intention to do so in the Official Gazette. In the interests of general defence preparedness, it is necessary for the naval authorities to be able to carry out seaward artillery practice at a much shorter notice. Further, as seaward artillery practice is to be carried out by the naval authorities, it would avoid delay if the power to authorise the same is vested in the Central Government with a further power to delegate the same to State Governments if considered necessary. It is, therefore, proposed to amend the Act to vest the power to authorise seaward artillery practice in the Central Government, to reduce the minimum period of notice to fourteen days and to empower the Central Government to delegate its power to issue notifications authorising seaward artillery practice to State Governments. The State Governments having a coastline have been consulted in regard to these proposals and they have generally agreed with the same.

2. The Bill seeks to amend the Seaward Artillery Practice Act, 1949 to give effect to the afore-mentioned proposals.

NEW DELHI
The 28th November, 1972.

JAGJIVAN RAM.

FINANCIAL MEMORANDUM

Section 5 of the principal Act requires payment of compensation for any damge caused to person or property or interference with rights or privileges arising from seaward artillery practice carried out in any area including expenses reasonably incurred in protecting persons, property, rights or privileges. Section 9 of the principal Act enables the State Government to prescribe by rules the minimum rates at which such compensation shall be payable and the principales to be followed in assessing the amount of compensation. Though the power to make rules regarding compensation vests with the State Governments, compensation payable under the principal Act is being paid by the Central Government. Clause 3 of the Bill proposes to substitute a new section for the existing section 9. Under the new section 9, the Central Government has been empowered to make rules. It is not proposed to change the minimum limits or the principles that have already been specified by the State Governments. In this view of the matter, no additional expenditure will be involved, if the Bill is passed and brought into operation. However, on the basis of the compensation so far given, it is estimated that a recurring expenditure of Rs. 15,000 per annum is likely to be incurred. There would be no non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

New section 9 proposed to be substituted by clause 3 of the Bill empowers the Central Government to make rules for giving effect to the provisions of the principal Act. The matters in respect of which rules may be made relate to the manner in which the substance of the notification under the proposed new section 3 is to be published, the regulation of the use of the notified area for seaward artillery practice in such manner as to secure the public against danger, the procedure to be followed by the authorities in granting compensation for damage caused to persons or property as a result of seaward artillery practice and other matters.

2. The matters for which rules may be made, pertain to matters of procedure or detail. The delegation of legislative power is thus of a normal character.

B. N. BANERJEE,
Secretary.